

REMARKS/ARGUMENTS

Claims 13-24 are pending in this matter and all have been rejected. Claims 13, 14, 17, 19, and 22 have been amended. Applicants respectfully request reconsideration of the application for the foregoing reasons.

I. Rejections under 35 U.S.C. §112

The Office Action rejected claims 13, 14, 17, 19, and 22 as being indefinite for lack of antecedent. Claim 13 has been amended to recite one or more properties instead of at least one property. Claim 14 has been amended to recite "properties" instead of "property." Claim 17 has been amended to depend on claim 16 instead of 15. Claim 19 has been amended to delete the adjective "implementation" with respect to "properties." Claim 22 has been amended to substitute "properties" for "data representation property." Therefore these rejections are overcome.

II. Rejections under 35 U.S.C. §102

The Office Action rejected claim 13, 14, 16, 19, 20, and 22 as being anticipated by US Patent No. 6,360,360 to Bates (hereafter "Bates"). Claims 13 and 19 both require measurement of interaction between components and determining a cost of interaction between components. The term "components" has been further limited as being characterized by data representation properties and "data representation" is defined as string representation and data structure. See amended claims and specification at page 2, lines 25-27. Bates does not disclose such "components." Rather, Bates determines a cost for each function of an object. It does not teach interaction between components or measuring the cost of such interactions. Moreover, the components of Bates are not characterized by string representation and data structure. Therefore, independent claims 13 and 19 are not anticipated by Bates.

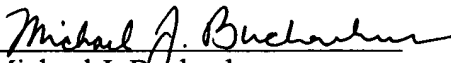
Rejections under 35 U.S.C. §103

Claims 15, 17, 21 and 23 were rejected under 35 U.S.C. §103 as being unpatentable over Bates in view of so-called admitted prior art. 35 U.S.C. §103 (c) provides that subject matter

developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or **subject to an obligation of assignment to the same person.** Bates is a patent owned by the applicant, International Business Machines Corporation. Therefore both the subject patent application and the Bates reference were subject to an obligation of assignment to the same person at the relevant time and Bates shall not be used under section 103 to preclude the patentability of the subject invention.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

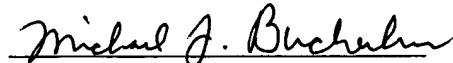

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I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein, are being deposited with the United States Postal Office on the date set forth below with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Michael J. Buchenhorner

Date: April 24, 2006

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